

REMARKS

The present Amendment amends claims 1, 3, 5, 7, 9 and 11, leaves claims 2, 4, 6, 8, 10 and 12 unchanged and adds new claims 13 and 14. Therefore, the present application has pending claims 1-14.

Applicants respectfully request the Examiner to contact Applicants' Attorney, the undersigned to discuss the outstanding issues of the present application prior to examination.

Claims 1, 3, 5, 7, 9 and 11 stand rejected under 35 USC §112, first paragraph as allegedly failing to comply with the written description requirement. Particularly, the Examiner alleges that the specification as originally filed on March 3, 2004 did not define a "third request" as recited in claims 1, 3, 5, 7, 9 and 11. This rejection is traversed for the following reasons. Applicants submit that the originally filed specification fully describes the third request in a manner sufficient to convey to one of ordinary skill in the art that the inventors at the time the application was filed on March 3, 2004 had possession of the claimed invention. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In the originally filed specification beginning, for example, on page 9, line 17 through page 10, line 10 the application describes with respect to Fig. 5 that a first request 110 is issued from the storage managing terminal 10 to the storage managing server 20 to download the manager program, a second request 120 is issued from the storage managing terminal to the storage managing server 20 using the manager program so as to request particular constructional information and a third request 125 is issued from the storage managing server 20 to the storage 30 so as to request from the storage 30

the particular constructional information as requested by the storage managing terminal 10 by the second request 120.

Thus, the specification clearly describes in a manner sufficient to one of ordinary skill in the art that the inventors at the time the application was filed had possession of the claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-12 stand rejected under 35 USC §103(a) as being unpatentable over Kurose (U.S. Patent Application Publication No. 2001/0056459) in view of Nakamura (U.S. Patent Application Publication No. 2003/0061331). This rejection fails being that one of the references, namely Nakamura, is not an appropriate reference to be used for anticipatory or obviousness type purposes to reject the claims of the present application since Nakamura in accordance with 35 USC §103(c). Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

To support the above, Applicants hereby submit that the present application and Nakamura were at the time the invention was made owned by or subject to an obligation of assignment to the same entity. Such is evidenced by Nakamura being assigned to the assignee of the present application by way of an Assignment recorded on February 20, 2002 at Reel 012620 and Frame 0879. The present application is assigned to the same assignee as Nakamura by an Assignment recorded on June 6, 2004 at Reel 015444 and Frame 0248.

As the Examiner is aware Nakamura only qualifies as a reference under 35 USC §102(e). Since Nakamura is assigned to the same assignee as that of the present application, Nakamura cannot be used under 35 USC

§103 as prior art in accordance with 35 USC §103(c). Thus, the above described rejection of the claims based on the combination of Kurose and Nakamura fails. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In any event, the features of the present invention as recited in the claims are not taught or suggested by Kurose or Nakamura even if Nakamura could be used in the manner suggested by the Examiner. Particularly, as set forth in the Remarks of the July 18, 2006 Amendment, said Remarks being incorporated herein by reference, Kurose is deficient of numerous features of the present invention as recited in the claims. The Examiner apparently recognizing these numerous deficiencies attempts to supply them by combining Kurose with Nakamura. However, as noted above, Nakamura cannot be used as prior art to reject the claims of the present application.

However, even if Nakamura could be used, Nakamura does not supply any of the deficiencies of Kurose as noted in the Remarks of the July 18, 2006 Amendment.

Particularly, Nakamura only discloses that a manager server 30 requests constructional information from a disk system in response to a constructional information request. However, at no point is there any teaching or suggestion in Nakamura that the managing server requests volume constructional information from the storage device before the storage managing server transmits a response to the request for the manager program to the storage managing terminal as in the present invention as recited in the claims. Thus, even if Nakamura could be used in the manner suggested by the Examiner in the Office Action in combination with Kurose,

the combination would still be deficient of the features of the present invention as now more clearly recited in the claims. Accordingly, the features of the present invention as recited in the claims are not anticipated nor rendered obvious by any of the references of record whether said references are taken individually or in combination with each other.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-12.

As indicated above, the present Amendment adds new claims 13 and 14. New claims 13 and 14 are directed to a processing method which recite many of the same features shown above not to be taught or suggested by any of the references of record whether said references are taken individually or in combination with each other. Therefore, the same arguments presented above with respect to claims 1-12 apply as well to new claims 13 and 14.

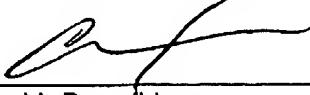
In view of the foregoing amendments and remarks, applicants submit that claims 1-14 are in condition for allowance. Accordingly, early allowance of claims 1-14 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any

overpayment of fees, to the deposit account of MATTINGLY, STANGER,
MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (TMI-5011).

Respectfully submitted,

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